

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

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Governor

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To: ALL Users of the SLED CJIS / FBI NCIC System

From: Lt. G.W. Hamby, SLED CJIS

Subject: **SLED Protocol for Failure to Validate NCIC Records**

As you know, the complete and timely validation of NCIC records is vital to the accuracy and utility of information in that system. Failure to completely validate NCIC records in a timely manner can have serious consequences within the law enforcement community, including civil liability for police actions taken on the basis of inaccurate or incomplete information. Unfortunately, there have been some recent instances in which persons responsible for validation of these records have not performed the duty in a timely manner. In an effort to insure the utility of the data and decrease liability, SLED CJIS has implemented the following protocol.

Please call Ms. Shameka Haskett (803-896-7208) or S/A Loui Pappas (803-896-7587) if you have questions.



An Accredited Law Enforcement Agency

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SLED Protocol for Failure to Validate NCIC Records

If an agency fails to return the signed validation cover sheet to SLED NCIC staff by the stated deadline:

1. SLED NCIC staff will, within one weekday,
 - a. Send an AM message to the affected agency head, and
 - b. FAX a copy of an explanatory letter to the affected agency head, and
 - c. Mail an explanatory letter to the affected agency head, and
 - d. Notify the state Control Terminal OfficerThe AM message and the letter will explain the consequences of a failure to validate NCIC records.
2. If the affected agency does not respond within two weekdays, SLED NCIC staff will telephone:
 - a. The affected agency head, or
 - b. The affected TAC.
3. If there is no satisfactory response to the telephone call, SLED NCIC staff will:
 - e. Cancel the affected NCIC records, and
 - f. Notify the Control Terminal Officer, and
 - g. Send an explanatory letter to the affected agency head.

NOTE: SLED CJIS/NCIC does not take lightly the task of canceling active NCIC records that have been entered by law enforcement agency. The cancellation of such records can lead to serious consequences, among them **officer safety** and **citizen safety** issues. However, FBI NCIC policy is clear in its position that all records not validated by the stated deadline must immediately be cancelled from NCIC.

Validation and Quality Control

Validation minimizes an agency's involvement in litigation because of inaccurate, incomplete and untimely information that was entered into the SLED/CJICS and/or FBI NCIC files. Validation is an examination by an originating agency of its active records in SLED/CJICS and FBI/NCIC to determine what records should remain active. What records should be modified. What records should be cancelled.

It shall be the responsibility of the Chief Administrative Officer of each terminal agency in the CJICS System to designate, in a formal manner, a Terminal Agency Coordinator, and an Assistant Terminal Agency Coordinator, pursuant to FBI/NCIC policy. The TAC or ATAC shall be responsible for the agency's validation program.

General responsibilities of the validation position are inclusive of, but not limited to:

- A. Ensuring that appropriate validation documentation is on file for all records entered.
- B. All records on the Validation Printout are to be test queried, and the response shall be compared to the original source document.
- C. A record of all record entries and modifications shall be maintained as part of the original source document.
- D. Contact the original source of the case report by phone: Complainant, Court, Insurance Company, and/or Parent.
- E. If unable to make contact with or obtain a positive response from the record source, cancel the record unless a law enforcement supervisor feels that this is an active case and requests that the case remains active in NCIC. If this is the case, documentation should be kept on file showing why the record was not cancelled. This information should include who made the request and the reason for keeping the record active.
- F. After all records have been validated, it is the responsibility of the TAC or ATAC to have the validation letter signed by the department head, and returned to SLED within 30 days.

Help-Notes on the FBI's
"Improper Extradition Limitation" Errors

In presenting these errors, the FBI is saying that it APPEARS that the entering agency has NOT honored the limitation (if any) that they initially put into the MIS Field.

To get this type of error from the FBI, the FBI is saying that either:

(1) The Entering or "Violating ORI" agency did NOT honor their INITIALLY stated extradition limits AND they failed to modify the MIS Field to read more restrictive something like "NOEX Beyond Surrounding Counties";

OR

[and this is more likely what happened:]

(2) The LOCATING agency mistakenly entered "NOEX" thinking it meant that extradition did not occur outside the state. In this case, the locating agency should have used "EXTR" in the EXT Field simply answering the key question "Was the person extradited?" (see below).

According the FBI Auditor Shellie Williams, since ALL South Carolina Wanted Person records are at the FBI, extradition MUST be considered JURSDICATION TO JURSDICATION (and NOT state-to-state). Even initially, if agencies are not willing to go even "statewide" (within SC), they must indicate in the MIS Field something like "NOEX Beyond Surrounding Counties" or "NOEX Beyond 50 Mile Radius."

To answer the extradition question, simple ask "Was the person extradited?" If he WAS extradited, REGARDLESS IF THE PERSON WAS EXTRADITED WITHIN THE STATE, he was still extradited and "EXTR" should be put in the EXT Field.